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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 OCWEN LOAN SERVICING, LLC,

11 Plaintiff(s),

12 v.

13 FAISSAL AHMEAD, et al.,

14 Defendant(s).

Case No. 2:16-cv-02653-APG-NJK

ORDER

(Docket No. 27)

15 Pending before the Court is Plaintiff's motion to serve by publication or in the alternative, to  
16 effect service by delivery to the Nevada Secretary of State. Docket No. 27. For the reasons discussed  
17 below, the motion to serve by delivery to the Secretary of State is **GRANTED**. The Court **DENIES** the  
18 motion to serve by publication.

19 **I. Motion to Serve by Publication**

20 Plaintiff seeks to serve Defendants Corpolo Avenue Trust, Teal Trust, and Resources Group,  
21 LLC, by publication. Docket No. 27. Service by publication implicates a defendant's fundamental due  
22 process rights. *See, e.g., Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314-15 (1950);  
23 *Price v. Dunn*, 787 P.2d 785, 787 (Nev. 1990). As a result, service by publication is generally  
24 disfavored. *See, e.g., Trustees of the Nev. Resort Assoc.–Int'l Alliance of Theatrical Stage Employees*  
25 *& Moving Picture Machine Operators v. Alumifax, Inc.*, 2013 U.S. Dist. Lexis. 106456, \*2 (D. Nev. July  
26 29, 2013).  
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1 The Federal Rules of Civil Procedure provide for service within the United States pursuant to  
2 the law of the state in which the district court is located, or in which service is made. *See, e.g.*, Fed. R.  
3 Civ. P. 4(e)(1). Pursuant to Rule 4 of the Nevada Rules of Civil Procedure, parties are generally  
4 required to personally serve summons and the complaint upon defendants. Nevada law also permits a  
5 party to obtain leave for service by publication when the opposing party, *inter alia* “cannot, after due  
6 diligence be found within the state, or by concealment seeks to avoid the service of summons.” Nev.  
7 R. Civ. P. 4(e)(1). There are several factors courts consider to evaluate a party’s due diligence, including  
8 the number of attempts made to serve the defendant at his residence and other methods of locating  
9 defendants, such as consulting public directories and family members. *See Price*, 787 P.2d at 786-87;  
10 *Abreu v. Gilmer*, 985 P.2d 746, 747 (Nev. 1999); *McNair v. Rivera*, 874 P.2d 1240, 1241 (Nev. 1994).

## 11 **II. Service Delivered to the Nevada Secretary of State**

12 Nevada Rule of Civil Procedure (“NRCP”) 4(d)(1) provides that when, “for any reason” service  
13 to an entity or association formed under the laws of Nevada cannot be effectuated, service can be made  
14 by delivering to the Nevada Secretary of State a copy of the summons and the complaint and by then  
15 filing a copy of the process with the court. Nev. R. Civ. P 4(d)(1); *see also Rood v. Nelson*, 2014 U.S.  
16 Dist. LEXIS 128723, at \*13 (D. Nev. Sept. 15, 2014). If the last known address of an entity or  
17 association is outside of Nevada, the plaintiff shall file service upon the secretary of that state. Nev. R.  
18 Civ. P 4(d)(1). The only requirement set forth by NRCP 4(d)(1) is, prior to delivering the summons and  
19 complaint to the Secretary of State, the plaintiff must provide “an affidavit setting forth the facts  
20 showing that personal service on or notice to the entity or association cannot be had” within the state.  
21 *Id.*

22 In this case, Plaintiff seeks to serve Defendants Corpolo Avenue Trust, Teal Trust, and Resources  
23 Group, LLC through the Defendants’ common managing officer Iyad “Eddie” Haddad. Docket No. 27  
24 at 3. Mr. Haddad is the registered agent for Defendant Resources Group, LLC. *Id.* at 8-9. Plaintiff’s  
25 assumption that Mr. Haddad serves as the common trustee or managing officer is based on his signature  
26 under such title on various documents for Corpolo Avenue Trust and Teal Trust; neither entity has any  
27 registration information on file with the Secretary of State. *Id.* Plaintiff has attempted to serve Mr.  
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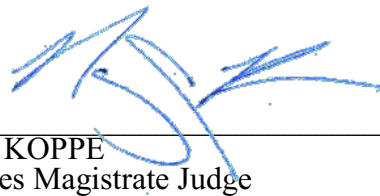
1 Haddad ten times at six different addresses. Docket No. 27-1, 27-2, 27-3. Plaintiff's affidavits  
2 sufficiently state the necessary facts to meet NRCP 4(d)(1)'s requirement. *Id.*

3 **III. Conclusion**

4 For the reasons discussed above, the Court **GRANTS** the motion to serve by delivery to the  
5 Secretary of State. The Court **ORDERS** Plaintiff to deliver a copy of the summons attached to a copy  
6 of the complaint to the Secretary of State no later than September 15, 2017, and to file a copy of the  
7 process with the Court no later than September 20, 2017. The Court **DENIES** the motion to serve by  
8 publication.

9 IT IS SO ORDERED.

10 DATED: September 6, 2017



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12 NANCY J. KOPPE  
13 United States Magistrate Judge  
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